

REMARKS

I. Status of the Claims

Claims 3, 5, 9, 10, 14, 15, 16, 17, and 18 have been canceled, claims 1, 12, and 20 have been amended, and claims 1, 2, 4, 6, 7, 8, 11, 12, 13, and 19 – 22 are currently pending.

No new matter has been introduced by this Amendment.

II. Response to Rejections Under 35 U.S.C. §103

Claims 1, 3-6, 9-10, 12, and 20 stand rejected under 35 U.S.C. §102 as being anticipated by Lee, et al. (U.S. Patent No. 6,018,717, hereafter Lee). Claims 1-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harris, et al. (U.S. Patent No. 6,331,972, hereafter Harris) in view of Lee. Claims 2 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harris in view of Lee and Kamel (U.S. Patent No. 6,009,150, hereafter Kamel.)

In response, Applicants wish to draw the Examiner's attention to Applicants' Figure 1 and Applicants' specification at paragraph [0023], where it is described that the personal communication device 100 does not have any read-write storage internal to the device that is tamper-resistant or otherwise. This presents a problem when trying to implement a trusted counter in a personal communication device. The Applicants have solved this problem with their claimed invention. The Applicants' claimed invention in the personal communication device performs the steps of issuing a create counter request by the secure module to the second storage device; sending a unique ID identifying a current counter value from the second storage device to the secure module; computing an encrypted envelope of the unique ID with the secured module by applying a cryptographic transform to the unique ID; and writing a state value and the

encrypted envelope of the unique ID to the third storage device. In this manner, a trusted counter can be implemented in a personal communication device without the need for read-write storage internal to the device.

Turning now to the Lee patent, there is no disclosure or suggestion of this feature claimed by the Applicants. Lee discloses two smart cards in their Figure 2. The first smart card is a consumer's smart card 12 that is read by a reader 30 in a turnstile 40 that has a read-write buffer memory 50. The second smart card is a security card 64 that is read by the security card handler 62 in a terminal 60 that has a read-write store 66. Clearly, Lee was not confronted with the problem solved by the Applicants' claimed invention, i.e. the problem of trying to implement a trusted counter in a personal communication device that does not have any read-write storage internal to the device. Lee fails to disclose or suggest the above-described feature claimed by the Applicants.

The Harris patent and the Kamel patent add nothing in this regard over the disclosure of Lee. Harris discloses portable wireless communications device 21 in Fig. 2 with a read-write memory 42 that stores data in step 360 of Fig. 22. Clearly, Harris was not confronted with the problem solved by the Applicants' claimed invention, i.e. the problem of trying to implement a trusted counter in a personal communication device that does not have any read-write storage internal to the device. Harris fails to disclose or suggest the above-described feature claimed by the Applicants.

Kamel discloses counting the number of times that a PIN has been erroneously entered, but Kamel fails to disclose or suggest the above-described feature claimed by the Applicants.

There is no disclosure or suggestion in Harris , Lee, or Kamel, taken either singly or in combination, of the above-described feature claimed by the Applicants.

CONCLUSION

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of the application.

AUTHORIZATION

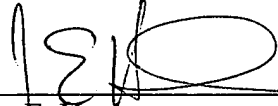
The Commissioner is hereby authorized to charge any additional fees that may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4034US1.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4034US1.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 28, 2005

By:



John E. Hoel
Registration No. 26,279
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101